



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/856,175	06/04/2001	Hiromu Ueshima	100341-00008	9628

4372 7590 06/18/2003

ARENT FOX KINTNER PLOTKIN & KAHN  
1050 CONNECTICUT AVENUE, N.W.  
SUITE 400  
WASHINGTON, DC 20036

EXAMINER

MCCARTNEY, LINZY T

ART UNIT

PAPER NUMBER

2671

DATE MAILED: 06/18/2003

5

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/856,175	UESHIMA ET AL.
Examiner	Art Unit	
Linzy McCartney	2671	(10)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 04 June 2001 .

2a)  This action is FINAL.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-8 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-6 and 8 is/are rejected.

7)  Claim(s) 7 is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 04 June 2001 is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)  The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All b)  Some \* c)  None of:

1.  Certified copies of the priority documents have been received.

2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a)  The translation of the foreign language provisional application has been received.

15)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1)  Notice of References Cited (PTO-892) 4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_ .  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948) 5)  Notice of Informal Patent Application (PTO-152)  
3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3 . 6)  Other: \_\_\_\_\_ .

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,741,182 to Lipps et al. (Lipps) in view of U.S. Patent No. 6,517,483 to Tosaki et al. (Tosaki).

a. Referring to claim 1, Lipps discloses an input device to be moved in a three-dimensional space by a game player (Fig. 1, 4) and a game processor for causing a change in the ball character displayed on screen (column 3, lines 13-17). Lipps does not explicitly disclose signal output means incorporated in said input means to output an acceleration correlated signal according to an acceleration upon moving said input device in the three-dimensional space; and a game processor for receiving the acceleration correlated signal and causing a change in the ball character displayed on the screen. Tosaki discloses signal output means incorporated in said input means to output an acceleration correlated signal according to an acceleration upon moving said input device in the three-dimensional space (column 16, lines 32-35; Fig. 8); and a game processor for receiving the acceleration correlated signal (column 8, line 65- column 9, line 2). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the apparatus of Lipps with the teachings of Tosaki. The

suggestion/motivation for doing so would have been because Lipps discloses using more information about the swing to perform a better simulation of the game (column 1, lines 45-47) and the acceleration sensor disclosed by Tosaki allows physical quantities such as strength of movement and device orientation to be detected (column 7, lines 17-25) which can be used to provide more realism in a baseball simulation (column 16, lines 40-58).

- b. Referring to claim 2, Lipps does not explicitly disclose said game processor determines a moving speed of said input device on the basis of the acceleration correlated signal, and a parameter for the change in the ball character on the basis of at least the moving speed. Tosaki discloses said game processor determines a moving speed of said input device on the basis of the acceleration correlated signal (column 7, lines 49-53), and a parameter for the change in the ball character on the basis of at least the moving speed (column 16, lines 45-57).
- c. Referring to claim 3, Lipps discloses said signal output means includes wireless signal transmitting means to wirelessly transmit the acceleration correlated signal to said game processor (column 2, lines 54-58).
- d. Referring to claim 4, Lipps discloses said image processing means generates image information including the ball character by use of image data stored in said information storage medium under control of said data operation processing means (column 3, lines 13-17; column 6, lines 1-7). Lipps does not explicitly disclose said game processor including at least operation processing means, image processing means, sound processing means, and a memory; said operation processing means executing a program

code stored in said information storage medium and calculating at least a position, moving direction, and speed of the ball character on the basis of an acceleration correlated signal outputted from said signal output means; said sound processing means reproducing sound by use of sound data stored in said information storage medium under control of said operation processing means; said memory being used for at least said operation processing means to hold a progress and result of an operation. Tosaki discloses said game processor including at least operation processing means, image processing means, sound processing means, and a memory (column 8, lines 28-43); said operation processing means executing a program code stored in said information storage medium and calculating at least a position, moving direction, and speed of the ball character on the basis of an acceleration correlated signal outputted from said signal output means (column 8, lines 28-31; column 16, lines 45-54); said sound processing means reproducing sound by use of sound data stored in said information storage medium under control of said operation processing means (column 8, lines 41-43); said memory being used for at least said operation processing means to hold a progress and result of an operation (column 8, lines 31-33). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the apparatus of Lipps with the teachings of Tosaki. The suggestion/motivation for doing so would have been because Lipps discloses using more information about the swing to perform a better simulation of the game (column 1, lines 45-47) and the acceleration sensor disclosed by Tosaki allows physical quantities such as strength of movement and device orientation to

be detected (column 7, lines 17-25) which can be used to provide more realism in a baseball simulation (column 16, lines 40-58).

e. Referring to claim 5, Lipps does not explicitly disclose wherein said information storage medium includes a non-volatile semiconductor memory. Tosaki discloses wherein said information storage medium includes a non-volatile semiconductor memory (column 8, lines 33-34). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the apparatus of Lipps with the teachings of Tosaki. The suggestion/motivation for doing so would have been because Lipps discloses using more information about the swing to perform a better simulation of the game (column 1, lines 45-47) and the acceleration sensor disclosed by Tosaki allows physical quantities such as strength of movement and device orientation to be detected (column 7, lines 17-25) which can be used to provide more realism in a baseball simulation (column 16, lines 40-58).

f. Referring to claim 6, Lipps discloses said ball game is a baseball game (Abstract) and said input means including a bat input device (Fig. 1). Lipps does not explicitly disclose said game processor causing a change in the ball character according to the acceleration correlated signal from said bat input device. Tosaki discloses said game processor causing a change in the ball character according to the acceleration correlated signal from said bat input device (Fig. 8; column 16, lines 32-61). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the apparatus of Lipps with the teachings of Tosaki. The suggestion/motivation for doing so would have been because Lipps discloses using more information about the

swing to perform a better simulation of the game (column 1, lines 45-47) and the acceleration sensor disclosed by Tosaki allows physical quantities such as strength of movement and device orientation to be detected (column 7, lines 17-25) which can be used to provide more realism in a baseball simulation (column 16, lines 40-58).

g. Referring to claim 8, Lipps discloses said input device including a racket input device (column 4, lines 19-20). Lipps does not explicitly disclose said game processor causing a change in the ball character according to the acceleration correlated signal from said racket input device or said ball game is a table-tennis game Tosaki discloses the ball game is a table-tennis game (column 17, lines 43-46) and said game processor causing a change in the ball character according to the acceleration correlated signal from said racket input device (column 17, lines 65-66; Abstract). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the apparatus of Lipps with the teachings of Tosaki. The suggestion/motivation for doing so would have been because Lipps discloses using the disclosed invention for other sports, including tennis (column 1, lines 54-56) using more information about the swing to perform a better simulation of the game (column 1, lines 45-47) and the acceleration sensor disclosed by Tosaki allows physical quantities such as strength of movement and device orientation to be detected (column 7, lines 17-25) which can be used to provide more realism in a simulation (column 7, lines 17-25).

***Allowable Subject Matter***

3. Claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Linzy McCartney** whose telephone number is **(703) 605-0745**. The examiner can normally be reached on Mon-Friday (8:00AM-5:30PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Mark Zimmerman**, can be reached at **(703) 305-9798**.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

**(703) 872-9314 (for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is **(703) 306-0377**.

ltm  
June 11, 2003

*Mark Zimmerman*  
MARK ZIMMERMAN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600